

- PATENT -

I IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: John Harris EXAMINER: Wong, W.
SERIAL NO.: 09/973,206 ART UNIT: 2616
FILED: 10/09/01 CASE NO.: CE08991R
ENTITLED: CONTROL OF JITTER BUFFER SIZE AND DEPTH

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196
April 16, 2007

DECLARATION UNDER 37 C.F.R. § 1.131

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

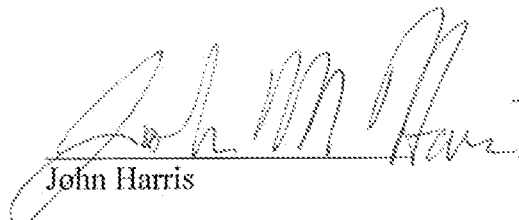
Commissioner:

Now comes John Harris, who declares and states:

1. That I am the inventor of the subject matter claimed in the above-identified U.S. Patent application.
2. Prior to April 24, 2001, I had completed the invention described and claimed in the above-identified U.S. Patent application, as evidenced by the following facts: Prior to April 24, 2001, while in the course of research and experimentation at Motorola, Inc. (“Motorola”), I had prepared and characterized an invention for determining a jitter buffer depth target as evidenced by a Patent Disclosure form, dated May 21, 2001, that I submitted to Motorola, Inc. A copy of the Patent Disclosure form is attached to this Declaration. Such Patent Disclosure forms are prepared and submitted in accordance with procedures prescribed by Motorola and I hereby confirm that all dates described therein are correct.
3. As set out in the Patent Disclosure form, one embodiment of my invention provided for determining a jitter buffer depth target comprising steps of determining a radio frequency (RF) load metric corresponding to a base site, comparing the determined RF load metric to an RF load threshold to produce a comparison, and determining a jitter buffer depth target based on the comparison.
3. The date of conception of my invention listed in the Patent Disclosure form, that is, April 14, 2001, and the date listed in the Patent Disclosure form that I disclosed my invention to my manager, Phil Fleming, that is, April 19, 2001, are prior to April 24, 2001, that is, the date of the Kurittu patent application, U.S. patent application publication no. 2004/0120309, cited by the Examiner in rejecting our application in an Office Action dated November 13, 2006.
4. The undersigned Declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

5. Further Declarant saith not.

 4/16/2007
John Harris Date